

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
EXECUTIVE SESSION MINUTES
NOVEMBER 13, 2012
6:00 PM**

Mayor Kelly called the meeting to order at 6:00PM

Flag Salute; Silent Prayer

Sunshine Law: This meeting was called pursuant to the provisions of the Open Public Meetings Act. Notices of this meeting of the Governing Body were sent to *The Record* and *The Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call: Council members Brophy, Carrick, Freeman (until 7:30PM), Hayes, Zamechansky-present

Councilman Stylianou-absent

Mayor Kelly-present

Motion to accept agenda as presented: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Motion to open to the public: Councilman Brophy

Second: Councilman Hayes

All in favor

Motion to close to the public: Councilman Brophy

Second: Councilman Freeman

All in favor.

Engineer's Report

Mr. Carrino stated that the Library ADA project closeout documents have been processed for Zinno. The air curtain has been removed from the scope of the project.

The EIT Flood Control project is progressing. The pipe work should commence Monday. There is a coordination issue between gas main locations and water relocations. There are two change orders on the agenda for this project-one for adding two garages. Tomco had originally included this item in the bid but it was removed because it was thought a lower price could be obtained from local contractors. Quotes had been requested but Tomco's price was still the lowest. The garage foundations should be done by Thanksgiving. Also, there is a deduct alternate to eliminate pipe work on the north end-Hazel, Harding, Summit and Pleasant. The money will be used for culvert cleaning. This will keep the project under the allowable 20% change order amount.

Councilwoman Zamechansky suggested a press release regarding this project so that the residents know the status of the project. Dominic replied that he has one ready to go.

Additional testing was done on the DPW garage October 25th.

The Municipal Clerk read the resolution to go into closed session to discuss personnel compensation issues related to overtime during the hurricane.

Motion: Councilman Hayes

Second: Councilman Freeman

Roll call vote: Council members Brophy, Carrick, Freeman, Hayes, Zamechansky-yes

Motion to go back into public: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Administrator's Report

Mr. Perkins and Mr. Carrino met with the Board of Education regarding the Depew Street project. They were in agreement with the work planned. The project will begin after school ends. Police and Shade Tree will also have input. A grant application has been submitted by T&M Associates for Depew Street Phase II.

The State has notified us that Ms. Horbert has been certified as Municipal Court Clerk.

There was a meeting today with the owner of the Senior Center regarding power outages at the building. Generators were discussed.

The Borough will be receiving \$22,388.97 for a 2011 tonnage recycling grant.

The Municipal Clerk needs to advertise for municipal parking permits for 2013. There has been ongoing discussion with the Police about extending municipal parking to W. Shore and W. Quackenbush, which is used primarily by non-residents. An ordinance is required in order to accomplish this. It was the consensus to keep the fee \$120 for residents and make it \$180 for non-residents.

Council Committee Reports were suspended until next week.

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#12-225 T&M Proposal for West Shore Avenue Walking Path/Gazebo Project-not to exceed \$15,000 * Councilman Hayes requested this be moved to non-consent.

#12-226 NJEIT Phase II Flood Control Project-Change Order #5-Reduction in Scope of North End Pipe Work (negative \$148,762) *

#12-227 Depew Street Improvements Project-Approval of T&M Fee Proposal-not to exceed \$28,000 *

#12-228 Emergency Appropriation-Police Department *

#12-229 Declaration of Emergency Award of Contract *

#12-230 Capital Budget Amendment *

#12-231 Authorization of Shade Tree Maintenance and Pruning Interlocal Agreement with the Borough of Demarest (paid by Demarest) *

#12-232 NJEIT Phase II Flood Control Project-Change Order #6-Construction of Two Garages-\$62,400 *

#12-233 Bills List *

#12-234 Fourth Quarter Property Tax Grace Period Extended by Governor's Executive Order *

Councilwoman Zamechansky stated that there have been meetings about the condition of the police department for about a year. The resolutions on tonight's agenda are only a band aid.

Councilman Hayes asked if we will be looking to spend more money shortly.

Mr. Perkins explained that the air handlers will take care of the CO2 issue in the Police Department but it won't resolve the other issues in Borough Hall. Those air handlers can be moved if it is decided to move into another building. The issues with size and the \$1,000,000 to minimally address the problems on the outside of the building, not to mention the problems inside the building, will not be addressed by this.

Motion to open to the public on consent agenda: Councilman Hayes

Second: Councilman Carrick

All in favor.

1. Barbara Correa, 240 Larch Avenue, asked the total for the West Shore Avenue project.

Motion to close: Councilman Brophy

Second: Councilman Hayes

All in favor.

Motion to adopt the Consent Agenda: Councilman Brophy

Second: Councilman Carrick

Roll call vote: Brophy, Carrick, Hayes, Zamechansky-yes

Non-consent Agenda

#12-217 Authorization of Supplemental Funding for T&M Associates for NJEIT Phase II- not to exceed \$66,660.09 (previously tabled)

Councilman Hayes didn't understand why some of the items weren't absorbed into the original price in the bidding.

Mr. Carrino explained that this resolution has two components-one for soil contamination which was a very extensive process-meeting with the contractor, DEP, negotiations with the contractor, Licensed Site Remediation Professional which is required, soliciting proposals with trucking companies, soliciting laboratory testing proposals-a total of 515 hours involved. The second component was the easement-related services. Councilman Hayes made a motion to table until next week, seconded by Councilman Brophy.

#12-225 T&M Proposal for West Shore Avenue Walking Path/Gazebo Project-not to exceed \$15,000

Councilman Hayes stated he is against the gazebo.

Councilman Brophy stated that this has been requested by the Shade Tree Commission.

Motion to open to the public: Councilman Brophy

Second: Councilman Hayes

All in favor

1. Barbara Correa, 240 Larch Avenue, asked for clarification of the scope of the project.

Mr. Perkins explained that the walking path is the priority. If there is extra money from the grant the gazebo will be considered.

2. Joe Rizza, 83 Juniper, said that we should have learned our lesson from the destruction of the gazebo at Memorial Park. He is a police officer and there was a lot of graffiti and damage done to that one. The same thing will happen to this gazebo by the railroad tracks.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Brophy

All in favor.

Motion to adopt: Councilman Carrick

Second: Councilman Zamechansky
Roll call vote: Brophy, Carrick, Zamechansky-yes
Councilman Hayes-no

ORDINANCES

First Reading

#1449 Amendment to Chapter 75, Section 9 of the Borough Code-Police Promotions

There were questions regarding portions of this ordinance. Councilman Hayes did not like the wording in paragraph 6. Discussion on wording of the ordinance followed. Councilman Freeman and Councilman Hayes requested the ordinance be pulled for revisions.

#1450 Bond ordinance providing for the acquisition and installation of air quality equipment and improvements at the police department, by and in the Borough of Dumont, in the County of Bergen, State of New Jersey; appropriating \$65,000 therefor and authorizing the issuance of \$61,750 bonds or notes of the borough to finance part of the cost thereof

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Brophy

All in favor.

Motion to pass on first reading: Councilman Brophy

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Carrick, Hayes, Zamechansky-yes

Motion to open to the public for general comment: Councilman Brophy

Second: Councilman Hayes

All in favor.

1. Barbara Correa, 240 Larch Avenue, asked how the police promotion test is administered and how many other towns use a written test. She asked if it would be less expensive and better not to administer a written test. She also asked how long the units included in Bond Ordinance #1450 will work. Is there a long-time plan? Are there health issues in the Police Department? Can't the Police Department move temporarily?

Mr. Perkins said there were issues that came out of the County health report. If the officers stayed in an office, they might feel a little tired at the end of the day. He stated that the plan is to get out of this building. He said a temporary move would be expensive and must be a line item as opposed to moving or having this building rebuilt, where you could bond for it all.

Mayor Kelly stated that even the cost of staying at this location would be extensive because of all the asbestos and lead paint, etc. We will soon have an architect determine the cost to build on this property and the cost of trailers, parking, etc.

2. Police Sgt. Rizza asked for clarification on the proposed promotion procedure. What happens if the membership votes again not to take the written test? They feel that the test is not relevant to the Borough and also had an issue with the study groups. He asked what the timeline is. He suggested that the Police Commissioner present the ordinance to the membership once it is drafted.

Mr. Paster explained that the way the amended ordinance is worded, an officer would get 0 on the written component if the score was less than 50% but they could still go on. He said that the last time there were police promotions without a written test it cost the Borough \$1,500,000 in lawsuits. The addition of the written test was the result of this lawsuit. There was

discussion as to the expense of administering the written test and having the police officers refuse to take the test while still being permitted to advance in the promotion process.

Mr. Perkins will check with the Chief's Association to make sure the test would be relevant to the town and whether a separate test would be required for each rank.

3. Barbara Correa asked if we have been operating efficiently with the staff that we have now and if there are promotions would it take officers off the street.

Mr. Perkins replied that there would be permanent supervisors as opposed to a temporary tour commander for one shift as they are doing now.

4. Sandy Fernandez, 199 Summit Avenue, asked if a higher degree shouldn't be weighted higher in the education portion.

It was the consensus that military experience should be explicit in the education portion of the ordinance.

Motion to close to the public: Councilman Hayes

Second: Councilman Carrick

All in favor.

Motion to adjourn: Councilman Brophy

Second: Councilman Hayes

All in favor.

Meeting adjourned at 8:55PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk